

State of Utah  
Administrative Rule Analysis

**NOTICE OF PROPOSED RULE OR CHANGE**

The agency identified below in box 1 provides notice of proposed rule or change pursuant to Utah Code Subsections 63-46a-4(2) and (4). Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

State of Utah Division of Administrative Rules (DAR) 4120 State Office Building; 450 North Main PO Box 141007 Salt Lake City, UT 84114-1007 Phone: (801) 538-3218, FAX: (801) 538-1773 State E-mail: <a href="mailto:asdomain.asitmain.rules">asdomain.asitmain.rules</a>	DAR file no.:	
	Utah Admin. Code ref. (R no.):	R156-47b-302a
	Date filed:	
	Time filed:	
	Received by:	

1. Department:	Commerce
Agency:	Occupational and Professional Licensing
Room no., building:	Heber M. Wells Building - 4th Floor
Street address:	160 East 300 South
Mailing address:	PO Box 146741
City, state ZIP:	Salt Lake City UT 84114-6741
Contact person:	Clyde Ormond
Telephone:	(801) 530-6254
FAX:	(801) 530-6511
Internet E-mail:	<a href="mailto:cormond@utah.gov">cormond@utah.gov</a>

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards - Equivalent Education and Training

3. Type of notice:																			
<table border="1"><tr><td>Proposed rules</td><td><table border="1"><tr><td>New</td><td><input checked="" type="checkbox"/></td><td>Amendment</td><td><input type="checkbox"/></td><td>Repeal</td><td><input type="checkbox"/></td></tr><tr><td>Repeal and reenact</td><td colspan="4"></td></tr></table></td></tr><tr><td>Other rule types</td><td colspan="5">Change in proposed rule (changes original proposed rule file no.: <input type="text"/>)</td></tr></table>	Proposed rules	<table border="1"><tr><td>New</td><td><input checked="" type="checkbox"/></td><td>Amendment</td><td><input type="checkbox"/></td><td>Repeal</td><td><input type="checkbox"/></td></tr><tr><td>Repeal and reenact</td><td colspan="4"></td></tr></table>	New	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Repeal	<input type="checkbox"/>	Repeal and reenact					Other rule types	Change in proposed rule (changes original proposed rule file no.: <input type="text"/> )				
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4. Purpose of the rule or reason for the change:
The Division needs to change Subsection R156-47b-302(1)(a) regarding massage school curriculum to meet the requirements of the Post Secondary and Proprietary School Act pursuant to Section 13-34-107 which was amended during the 2002 legislative session. The legislative amendments changed the responsibility of registering private post-secondary schools from the Utah State Board of Regents to the Department of Commerce, Division of Consumer Protection. (see HB 111)

5. This rule or change is a response to comments by the Administrative Rules Review Committee.	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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6. Summary of the rule or change:
Subsection R156-47b-302a(1)(a) is amended to reflect that massage school curriculums must be registered with the Department of Commerce, Division of Consumer Protection rather than the Utah State Board of Regents.

7. Aggregate anticipated cost or savings to:		
<table border="1"><tr><td>State budget:</td><td>The Division will incur minimal costs, less than \$50, to reprint this rule once this proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.</td></tr></table>	State budget:	The Division will incur minimal costs, less than \$50, to reprint this rule once this proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.
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Local government:	Proposed amendment does not apply to local governments.		
Other persons:	The Division anticipates no costs or savings to massage schools as a result of this proposed amendment since the amendment clarifies which state agency a massage school must be registered with to meet the curriculum standards established pursuant to Section R156-47b-302a.		
8. Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
The Division anticipates no costs to massage schools as a result of this proposed amendment since the amendment clarifies which state agency a massage school must be registered with to meet the curriculum standards established pursuant to Section R156-47b-302a.			
9. Comments by the department head on the fiscal impact the rule may have on businesses:			
The proposed rule change brings the rule into compliance with a statutory change by the 2002 Legislature requiring massage schools to be registered with the Utah Division of Consumer Protection. Therefore, this change will not create any fiscal impact to businesses beyond those already created by the Post Secondary and Proprietary School Act passed by the Legislature. Ted Boyer, Executive Director			
10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.			
State code or constitution citations (required):		Section 58-47b-101 and Subsections 58-1-106(1) and 58-1-202(1)(a)	
Federal citations (optional):			
11. This rule or change adds or updates an incorporated reference (submit a copy to DAR):			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> X <input type="checkbox"/> No
Reference title and date of issue or edition:			
12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.)			
Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		01/14/2003	
A public hearing (optional) will be held on (mm/dd/yyyy):		at (time):	
at (place):			
13. This rule or change may become effective on (mm/dd/yyyy):		01/15/2003	
14. Indexing information - keywords (maximum of four, in lower case):			
licensing, massage therapy			
15. Indexing information - affected industries (two-digit SIC codes):			
n/a			
16. Attach a WordPerfect document containing the text of this rule or change (filename):			R156-47b.pro
<b>To the agency:</b> Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms may be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	J. Craig Jackson, Director		Date (mm/dd/yyyy): 11/21/2002

R156. Commerce, Occupational and Professional Licensing.

R156-47b. Massage Therapy Practice Act Rules.

R156-47b-302a. Qualifications for Licensure as a Massage Therapist -  
Massage School Curriculum Standards - Equivalent Education and Training.

(1) In accordance with Subsection 58-47b-302(2)(e)(i)(A), an applicant must graduate from a school of massage with a curriculum, which at the time of graduation, meets the following standards:

(a) curriculums must be registered with the Utah ~~[State Board of Regents]~~Department of Commerce, Division of Consumer Protection or an accrediting agency recognized by the United States Department of Education.

(b) Curriculums shall be not less than 600 hours and including the following:

(i) anatomy, physiology and pathology;

(ii) massage theory including the five basic strokes;

(iii) ethics;

(iv) safety and sanitation;

(v) clinic or practicum; and

(vi) other related massage subjects as approved by the Division in collaboration with the Board.

(2) In accordance with Subsection 58-47b-302(2)(e)(i)(B), an applicant who completes equivalent education and training must document that the education and training was approved by NCBTMB as evidenced by current NCBTMB certification.

KEY: licensing, massage[\*]therapy

~~[August 16, 2001]~~2003

Notice of Continuation February 26, 2001

58-1-106(1)

58-1-202(1)(a)

58-47b-101